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# MEMO ENDORSED

July 17, 2025

## VIA ECF

Magistrate Judge Gary Stein  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Date: July 21, 2025  
New York, NY

**SO ORDERED:**



**HON. GARY STEIN**  
**UNITED STATES MAGISTRATE JUDGE**

**Re: August Image LLC v. Guest of a Guest, Inc.**  
**Case No.: 1:24-c-04099-JHR**

Dear Judge Stein:

I represent the plaintiff in the above-referenced lawsuit. Pursuant to Your Honor's Scheduling Order for Inquest, the above-referenced matter is scheduled for an inquest hearing on July 23, 2025 at 10:00 am regarding the proposed damages for the plaintiff's motion for a default judgment.

I write to request that the in-person inquest into damages be adjourned and that the inquest into damages be based solely upon the written submissions, in light of the defendant's continued failure to respond to the plaintiff's submissions. The plaintiff submits that this request is permitted by the precedent of this Court. See *Transatlantic Marine Claims Agency, Inc. v. Ace Shipping Corp.*, 109 F.3d 105, 111 (2d Cir. 1997) ("[I]t [is] not necessary for the District Court to hold a hearing, as long as it ensured that there was a basis for the damages specified in the default judgment.") (quoting *Fustok v. ContiCommodity Services, Inc.*, 873 F.2d 38, 40 (2d Cir. 1989)); see, e.g., *Bricklayers & Allied Craftworkers Local 2, Albany, N.Y. Pension Fund v. Moulton Masonry & Const., LLC*, 779 F.3d 182, 189 (2d Cir. 2015).

Respectfully submitted,

/s/R. Terry Parker

cc: Guest of a Guest, Inc. via email (rachel@guestofaguest.com and christie.grimm@guestofaguest.com)